IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 32628 of 2006(H)

PETITIONER:
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1. MAIPPAN OUSEPH PAULOSE,
MAIPPAN HOUSE, CHULLI P.O., OLIVE MOUNT,
MANJAPRA, ANGAMALI.

2. M.V.TOMMY,
MAIPPAN HOUSE, CHULLI P.O., OLIVE MOUNT,
MANJAPRA, ANGAMALI.

BY ADV. SRI.ALEXANDER THOMAS

RESPONDENTS:
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1. DISTRICT COLLECTOR,
COLLECTORATE BUILDINGS, CIVIL STATION,
ERNAKULAM.

2. THE REVENUE DIVISIONAL OFFICER (RDO),
FORT KOCHI.

3. THE TAHSILDAR,
TALUK OFFICE, ALUVA.

4. THE CIRCLE INSPECTOR OF POLICE,
ANGAMALI.

5. THE GEOLOGIST,
DISTRICT OFFICE OF THE DEPT. OF MINING
& GEOLOGY, CIVIL STATION, KAKKANAD,
ERNAKULAM.

6. P.L.FRANCIS,
PATHIYANPARAMBIL, AMBALLUR P.O., THRISSUR.

R1 TO R5 BY G.P. SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, ALONG WITH WPC NO. 34186 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 32628/2006

EXT.P1-TRUE COPY OF REPRESENTATION DATED 6.11.2006 SUBMITTED TO THE AYYAMPUZHA PANCHAYAT

EXT.P2-TRUE COPY OF REPRESENTATION DATED 3.10.2006 TO R2

EXT.P2(A)-TRUE COPY OF PHOTOGRAPHS

EXT.P3-TRUE COPY OF RDER DATED 12.10.06 ISSUED BY VILLAGE OFFICER, AYYAMPUZHA.

EXT.P4-TRUE COPY OF REPORT DATED 16.10.2006 SUBMITTED BY VILLAGE OFFICER TO R2

EXT.P5-TRUE COPY OF REPRESENTATION DATED 2.11.2006 SUBMITTED TO R1

EXT.P6-TRUE COPY OF REPORT DATED 28.11.2006 SUBMITTED BY R3 TO R1

EXT.P7-TRUE COPY OF LETTER DATED 27.11.2006 ISSUED BY R5

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NOs.32628 & 34186 of 2006

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Dated this the 5th day of March, 2007

JUDGMENT

Koshy, J.

Writ Petition No.34186/2006 is filed by the petitioner for police protection for conducting quarrying activities. Writ petition No.32628/2006 is filed for a direction for stopping the same. While considering the contentions, it is submitted that the Revenue Divisional Officer has taken the issue and issued notice to the parties. So, we have directed the Revenue Divisional Officer to finalise the proceedings. The Revenue Divisional Officer passed an order on 27.2.2007 stopping the excavation activities. When there is a prohibition by the statutory authorities, we cannot grant protection to violate the same.

Therefore, the writ petitions are disposed of with freedom to the aggrieved party to challenge the order of the Revenue Divisional Officer according to law. But without getting valid licenses and permit and without

vacating the order of the Revenue Divisional Officer, no quarrying work shall be conducted.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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